

Application No.:10/681,760
Amendment dated: July 22, 2004
Reply to Office Action of June 17, 2004

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REMARKS/ARGUMENTS

This case has been carefully reviewed in light of the Office Action dated June 17, 2004, wherein claims 1-5, 7-9, 21, 34, 35, 40, 41, 44, 45, 46, 47 were rejected under 35 USC 102 (b) as being anticipated by U. S Patent No. 4608417. The Applicants courteously traverse these rejections.

The examiner states that (quote):

- o "USP 4608417 discloses a multilayer composition comprising an outer layer of aromatic polycarbonate, an outer layer of a polymer prepared from an olefinic monomer, said outer layers tied together with a layer comprising an admixture of an olefin acrylate polymer and poly-(4-methylpentene-1), the olefin acrylate and poly(1-4-methylpentene-1) in such quantities that the adhesive strength and clarity of the tile layer is not significantly reduced after exposure to hydrolytic conditions at elevated temperatures."

The Examiner further states that (quote):

- o "Note that Example 1 demonstrates a multilayer article with an outer layer of bis-phenol-A polycarbonate, an outer layer of polypropylene and an inner layer of a composition of EEA and TPX in varying concentrations joining the two outer layers was prepared. See also example 2."

Examiner goes on to state that U. S Patent No. 4608417 teaches that aromatic polycarbonates are prepared in the conventional manner by reacting a dihydric phenol with a carbonate precursor in an interfacial polymerization process or transesterification. Typical of some of the dihydric phenols that may be employed in the practice of this invention are 2,2-bis(4-hydroxyphenyl)propane (bisphenol-A), (2,2-bis(4-hydroxy-3-methylphenyl)propane, 4,4-bis(4-hydroxyphenyl)heptane, 2,2-(3,5,3',5'-tetrachloro-4,4'-dihydroxy biphenyl)propane, 2,2-(3,5,3'5'-tetrabromo-4,4'-dihydroxydiphenyl)propane,

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(3,3'-dichloro-4,4'-dihydroxyphenyl)methane, bis 4-hydroxy phenyl sulfone and bis 4-hydroxy phenyl sulfide.

The Examiner further states that (quote):

- o "The multilayer structures can be readily prepared by standard techniques, including co-extrusion through a feed block or combination in the die. The thickness of the layers may vary substantially and are obviously somewhat dependant upon the final use to which the multiplayer structure will be applied. Generally from about 0.25 mil (millimeters) to about 60 mil thickness of each outer layer can be employed. The layers, however, are preferably form about 0.5 to 30 mil. The tie layer is usually significantly thinner than the outer layer. Normally the tie layer will be thinner than 1 mil. Tie layers of up to 5 mil can also be employed."
- o "The multilayer structure may comprise a simple laminate useful, for example, as a tray or can be thermoformed or blow-molded into a variety of structures including containers of various types. Note also examples 1,2 and tables."

The applicants respectfully assert that USP 4608417 does not disclose a tie layer comprising a copolymer with structural units derived from at least one alkenyl aromatic compound and at least one conjugated diene. The tie layer disclosed in USP 4608417 consists of olefinic acrylate copolymer and poly-(4-methylpentene-1). USP 4608417 discloses that the olefins employed in the olefinic acrylate copolymer are polyolefins, typically polyethylene, polypropylene, polyisobutylene or any of the olefin monomers having from two to about ten carbon atoms, preferably from two to about ten carbon atoms. The acrylate used is an alkyl or cycloalkyl acrylic ester. In sharp contrast to USP 4608417, the tielayer of the present invention comprises structural units derived from at least one alkenyl aromatic compound (typically styrene and substituted styrenes) and at least one conjugated diene. Conjugated dienes are represented by dienes such as butadiene, isoprene and the like.

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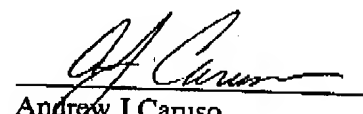
The applicants further note that there is no suggestion in USP 4608417 wherein a copolymer with structural units derived from at least one alkenyl aromatic compound and at least one conjugated diene is envisaged as the tie layer.

In view of these remarks, it is respectfully requested that the rejections based on 35 USC 102 (b) as being unpatentable over USF 4608417 be withdrawn.

The Applicants respectfully submit the application is now in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact the Applicants' undersigned representative at the telephone number below.

Respectfully submitted,


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